

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
3 SOUTHERN DIVISION

4 CATINA PARKER, as Personal
5 Representative of the Estate
6 of Leonard Parker, Jr.,
7 Deceased,
8 Plaintiff,

9 VERSUS CIVIL ACTION NO: 1:21-cv-00217-HSO-BWR

10 THE CITY OF GULFPORT, a
11 municipal corporation; JASON
12 CUEVAS in his individual and
13 official capacity; and JOHN
14 DOE OFFICERS #1 - 5 in their
15 official and individual
16 capacities,
17 Defendants.

18 VIDEOTAPED DEPOSITION OF JASON CUEVAS

19 Taken at the offices of Copeland, Cook,
20 Taylor & Bush, P.A., 200 East Beach
21 Boulevard, Building 5, Gulfport,
22 Mississippi, on Wednesday, June 14,
23 2023, beginning at 9:16 a.m.

24 REPORTED BY: F. DUSTY BURDINE, CSR #1171
25 MCCORKLE LITIGATION SERVICES, INC.

Exhibit "5"



1 the brightest setting. You actually have to hold
2 the button down for it to reduce the power. And
3 it also had a feature where if you double click
4 the activation button, it would go into a strobe
5 mode.

6 Q. And what did you use the strobe mode
7 for?

8 A. Typically to gain attention from people
9 to show that something was changing in their sight
10 to gather attention.

11 Q. Do you recall what you were doing before
12 you were informed that your presence may be
13 required at the scene of the incident?

14 A. I do not.

15 Q. Do you recall any of the other dispatch
16 calls or activities you were involved in on shift
17 before you responded to the scene of the incident?

18 A. No, ma'am.

19 Q. Okay. At some point do you recall
20 receiving a dispatch call that informed you there
21 was a potential disorderly to investigate?

22 A. Yes, ma'am.

23 Q. What do you recall -- strike that.
24 Do you recall if you received a dispatch
25 call, a call to your phone or information on the

Exhibit "5"



1 computer or something like that?

2 A. It was through dispatch, through the
3 police radio.

4 Q. Okay. Does your vehicle have a computer
5 system?

6 A. Yes, ma'am, it did.

7 Q. Okay. And do you ever receive
8 information along with radio calls on that system?

9 A. Yes, ma'am.

10 Q. Do you ever recall viewing on the
11 computer system any information regarding this
12 call?

13 A. No, ma'am. I was so close to the call
14 that I didn't need to look at the MDT. I was able
15 to listen to dispatch.

16 Q. Do you remember where you were?

17 A. Exactly when the call came out, no,
18 ma'am.

19 Q. Do you remember the general area?

20 A. It was on the east -- the -- it's called
21 the eastern side of A3.

22 Q. What do you recall hearing when the
23 radio call came through?

24 A. They said there was a disorderly male at
25 a residence that was trying to fight people at the

Exhibit "5"



1 residence who appeared to be intoxicated.

2 Q. And you were informed of one individual;
3 is that right?

4 A. Yes, ma'am.

5 Q. Were you given any description of what
6 the individual looked like?

7 A. I don't recall that I was actually given
8 the description by dispatch. I just remember they
9 said there was a -- they said 29 male -- a ~~single~~ ^{signal}
10 29 male, which means disorderly, and that -- I
11 think they even stated there were no weapons
12 involved from what dispatch received.

13 Q. Do you recall hearing the race of the
14 individual that you'd be investigating?

15 A. No, ma'am.

16 Q. And were you specifically assigned to
17 this call or did you know you were assigned to it
18 because of your location in A3?

19 A. I remember being assigned to the call
20 and -- because the officer that worked the
21 neighboring area, his area partner who rides in a
22 separate vehicle was at the station, so he would
23 have had to have responded by himself without
24 another officer.

25 Q. And did you have an area partner that

Exhibit "5"



1 dispatched to that call.

2 Q. Did you ask any follow-up questions or
3 get any additional information?

4 A. I did not ask any follow-up questions
5 and I don't recall getting any more information.

6 Q. Did you then travel to the scene?

7 A. Yes, ma'am.

8 Q. How long did that take you?

9 A. Not very long, like -- I couldn't give
10 you an exact number, like a time frame.

11 Q. Do you believe it was less than 10
12 minutes?

13 A. Yes, ma'am.

14 Q. Do you recall approximately how much
15 distance you traveled to get there?

16 A. I'd be guessing if I gave you a distance
17 on that one.

18 Q. Were you in the same neighborhood, if
19 you can recall?

20 A. Was I in the same neighborhood as what?

21 Q. As the scene.

22 A. No, ma'am.

23 Q. As you headed to the scene, do you
24 recall if you turned on your lights and sirens?

25 A. I did not turn on my lights or sirens.

Exhibit "5"



1 Q. Do you remember why?

2 A. Because it didn't warrant a -- what we
3 would say a Code 2 response, which is activating
4 lights and sirens.

5 Q. And based on your experience, what is a
6 Code 2 response?

7 A. Typically like an accident involving
8 injuries, a person with a firearm, a person with a
9 knife, a shooting, an assault, murder, those kind
10 of calls.

11 Q. Okay. And then is there a code number
12 that would have applied to your response to the
13 scene?

14 A. Yes, ma'am. It would be Code 1.

15 Q. And can you describe what Code 1 is?

16 A. Driving the speed limit with no lights
17 or sirens activated.

18 Q. And what kind of calls warrant a Code 1
19 response?

20 A. It could be property crimes where
21 there's no suspect on the scene, non-violent
22 crimes where like emergency assistance wasn't
23 necessary at a quick pace.

24 Q. Okay. And would it be fair to say that
25 a drunken disorderly would be within the bounds of

Exhibit "5"



1 Code 1?

2 A. Yes, ma'am.

3 Q. At any point before you got to the
4 scene, were you aware of any other units
5 responding as well?

6 A. The only other officer I knew that was
7 dispatched was Officer Brewer.

8 Q. And do you recall knowing whether or not
9 officer Brewer was assigned as the primary officer
10 on the scene or if he was a backup for you?

11 A. Typically they just assign multiple
12 officers to a call. They don't say which ones are
13 primary or backup.

14 Q. So what was your understanding of your
15 role when you arrived on scene?

16 A. To make initial contact with the
17 complainant.

18 Q. And where -- strike that.

19 Is it your understanding that you parked
20 east of the residence that you were sent to?

21 A. Yes, ma'am.

22 Q. Do you recall if you arrived from east
23 of the residence or west of the residence?

24 A. Like which direction I came in from?

25 Q. Yes.

Exhibit "5"



1 A. Yes, ma'am. I came in from east of the
2 residence.

3 Q. Okay. Do you recall if -- strike that.
4 Do you recall when you turned onto the
5 street?

6 A. Like time-wise?

7 Q. No. I'm sorry. That was a very unclear
8 question. Let me strike that and try again.

9 Do you recall how you turned onto the
10 street, from where?

11 A. From Oak Avenue.

12 Q. Okay. And then from Oak Avenue where
13 did you turn to get to the residence?

14 A. Like what direction?

15 Q. No. What was the street name?

16 A. Oh, 25th Street.

17 Q. 25th Street, okay. So you turned right
18 on Oak to go down 25th Street; is that right?

19 A. No, ma'am.

20 Q. No. Go ahead.

21 A. So I came down Railroad Street, which is
22 south of 25th Street. I turned north onto Oak
23 Avenue. And as I was approaching the intersection
24 where Oak Avenue and 25th Street are, I then
25 turned west, which would have been left, onto 25th

Exhibit "5"



1 Street.

2 Q. I see, okay. And then at some point you
3 parked your vehicle; is that right?

4 A. Yes, ma'am.

5 Q. Before you parked as you approached the
6 address that you were being sent to -- strike
7 that.

8 Let's start there. Do you recall what
9 the address was?

10 A. It was 210 25th Street.

11 Q. So as you approached 210 25th Street, do
12 you recall observing any individuals outside in
13 the general vicinity of the house?

14 A. Yes, ma'am.

15 Q. And who do you -- and let me be very
16 specific. I'm talking about before you parked, do
17 you recall observing anyone?

18 A. Before I parked, no, ma'am. I just
19 heard people talking. I didn't actually visually
20 see anyone.

21 Q. Okay. And what exactly did you hear?

22 A. I just heard like a bunch of talking
23 very loudly. It was right before I turned onto
24 25th Street. I had my driver's side window down
25 and I was able to hear some sound coming from my

Exhibit "5"



1 left down 25th Street.

2 Q. Did you hear -- were the voices --
3 strike that.

4 Could you tell if the voices were
5 excited or if there was some conflict occurring?

6 A. It sounded like so because it was so
7 many people it sounded like were talking. It was
8 like multiple voices very loud.

9 Q. Could you make out any of the words that
10 were being said?

11 A. No, ma'am.

12 Q. And you said your driver's side window
13 was open?

14 A. Yes, ma'am.

15 Q. Do you recall if your passenger side
16 window was open?

17 A. I don't recall. I just know I rolled
18 down my driver's side window so I could hear
19 better.

20 Q. And as you turned onto 25th Street, do
21 you recall if your headlights were on?

22 A. I really don't know if they were on or
23 off.

24 Q. When you -- strike that.

25 Do you recall if your vehicle on

Exhibit "5"



1 February 1st, 2020 had automatic headlights or if
2 you had to turn them on and off yourself?

3 A. It had multiple settings that you could
4 go automatic or manually on. Usually I just had
5 them set to automatic until I respond to a call
6 since I was on night shift, and I would manually
7 turn them off.

8 Q. Okay. And when you had them on
9 automatic, if you left your vehicle and closed the
10 door, would the lights turn off at that point or
11 would it take a few more seconds for them to turn
12 off?

13 A. Oh, no. They would stay -- the
14 automatic feature was just for like at certain
15 times of day, it would come on. But typically
16 when responding to a call, especially at night
17 shift for a disorderly, I would have -- I would
18 turn my lights off as I was like parked.

19 Q. Okay. And do you recall doing that on
20 February 1st, 2020?

21 A. Yes, ma'am.

22 Q. Okay. Do you remember if you turned
23 your lights off as you were parking or after you
24 had stopped?

25 A. I believe it was either as I was parking

Exhibit "5"



1 or once I was already parked.

2 Q. Before you turned off your headlights,
3 did they illuminate any people right in front of
4 you? Did you observe anyone in the headlights?

5 A. No, ma'am.

6 Q. And then as you parked, were you able to
7 observe where the voices were coming from?

8 A. Once I was out of the vehicle, I was
9 able to.

10 Q. Okay. So before you got out, you
11 couldn't tell where the voices were?

12 A. No, ma'am.

13 Q. Do you remember why you parked where you
14 chose to park?

15 A. Yes, ma'am.

16 Q. And why was that?

17 A. It was a more tactical approach to where
18 I was parked. I wasn't illuminated by a street
19 light. It gave me a better vantage point to
20 approach the call from to gain more information
21 about the situation that was going on at the
22 residence. And also -- so that way, since I
23 wasn't familiar with that exact street, it would
24 give me a little more distance and time to verify
25 which residence I needed to be responding to.

Exhibit "5"



1 Q. Do you know what address you pulled
2 near -- strike that.

3 Do you know what address you parked the
4 closest to?

5 A. At the time, I didn't know what address
6 I was parked near.

7 Q. Do you know now?

8 A. I know it was like two houses east of
9 the residence, if I remember correctly.

10 Q. Okay. Do you recall seeing any street
11 lights on 25th Street?

12 A. I believe so, yes, ma'am.

13 Q. And where do you recall seeing a street
14 light on 25th Street?

15 MR. BRUNI:

16 I couldn't hear that question.

17 MR. WHITFIELD:

18 where does he recall the street lights
19 being.

20 A. I couldn't tell you exactly where they
21 were. I knew that the road was illuminated, but I
22 couldn't tell you exactly where the poles were
23 positioned. I know that where I parked, I wasn't
24 under one of the street lights because it was a
25 darker area.

Exhibit "5"



1 MS. RAVEENDRAN:

2 Q. And I believe at some point you had to
3 use your flashlight to look at the mailbox
4 addresses; is that right?

5 A. Yes, ma'am.

6 Q. So do you recall if there were street
7 lights anywhere between where you parked and 210
8 East 25th Street?

9 A. I don't remember if there were. I just
10 knew I was using a flashlight to illuminate
11 mailboxes to see if I could read the numbers off
12 of them.

13 Q. Would you agree that it was generally
14 dark at the time?

15 A. Yes, ma'am.

16 Q. And is it fair to say that the street
17 wasn't illuminated fully?

18 A. Yeah. Not the entire street was
19 illuminated, no, ma'am.

20 Q. So now I'm going to ask you questions
21 about when you got out of the car.

22 A. Yes, ma'am.

23 Q. Once you got out of the vehicle, what
24 was your plan of approaching the residence?

25 A. Basically first to gather my location by

Exhibit "5"



1 checking the mailboxes to see if I was in the
2 general vicinity. And then once I had verified
3 where I was and how much further I needed to go to
4 the residence, it would be to approach the
5 residence and make contact with the incident,
6 basically.

7 Q. Once you got out of the vehicle, did you
8 have anything in your hands?

9 A. I had my flashlight.

10 Q. Okay. At that time you did not have
11 your firearm in your hand; is that right?

12 A. Yes, ma'am.

13 Q. And why is that?

14 A. I didn't feel a need to have my firearm
15 out at that point.

16 Q. Would it be fair to say that you weren't
17 investigating a violent crime?

18 A. They did state that the subject was
19 trying to fight people, which is a form of
20 violence. So, I mean, yes, a violent crime.

21 Q. But you weren't aware of anyone having
22 been injured at that point; is that fair?

23 A. I was not aware of anyone being injured.

24 Q. Okay. And you were never made aware of
25 any weapons on the scene?

Exhibit "5"



1 vehicle. But like I said, I didn't actually
2 search the inside of it.

3 Q. And then regarding the other individuals
4 on scene, did you ever see any of them with any
5 weapons that you identified?

6 A. No, ma'am.

7 Q. Okay. Once you got out of the vehicle,
8 were you able to see where the voices you were
9 hearing were coming from?

10 A. Yes, ma'am. I believe that it was the
11 residence basically two houses down from where I
12 was parked. There was lights on the porch and
13 people were outside talking loudly amongst each
14 other, basically arguing.

15 Q. About how far away were you from 210?

16 A. I was two houses from there, like -- so
17 my car was parked at the corner. And each lot --
18 I don't know how big they are, but it was the
19 corner house, one more house, and then the next
20 one was 210.

21 Q. Do you think you were further than a
22 football field away?

23 A. I couldn't really tell you.

24 Q. No problem. Sometimes we all watch
25 enough football that we can tell those kind of

Exhibit "5"



1 things.

2 A. I'm not really a sports fan, honestly.

3 Q. Okay. Like if you look at a football
4 field long enough, it just becomes a point of
5 reference.

6 All right. So once you got out of the
7 vehicle and you could see some individuals, were
8 you able to make out what they were wearing or
9 whether they were male or female from your vantage
10 point?

11 A. No, ma'am.

12 MR. WHITFIELD:

13 Object to the form.

14 THE WITNESS:

15 Sorry.

16 MR. WHITFIELD:

17 Object to the form.

18 MS. RAVEENDRAN:

19 Q. Based on your understanding -- strike
20 that.

21 At that point when you saw the
22 individuals, could you tell if they were in a yard
23 of a house?

24 MR. WHITFIELD:

25 Object to the form. You can answer.

Exhibit "5"



1 A. You said from my perspective, I could
2 see what?

3 MS. RAVEENDRAN:

4 Q. If you were able to see people, could
5 you tell if they were in a yard?

6 A. In a yard?

7 Q. Yes.

8 A. I knew they were in front of the house.

9 Q. Okay.

10 A. What I -- at that point I believe it was
11 210.

12 Q. Okay. So at that point did you head
13 straight to the house or did you do something else
14 first?

15 A. I was kind of watching to see what was
16 going on because of the commotion in case there
17 was, you know, someone fighting or anything to try
18 and gather information about the whole incident
19 and how to approach it.

20 Q. And while you were observing -- strike
21 that.

22 Did you make any observations of what
23 the individuals were doing and -- well, that's my
24 whole question.

25 A. I was able to observe a vehicle that was

Exhibit "5"



1 slowly trying to back out of the driveway and
2 there were other people there that were watching
3 the vehicle as it was backing out.

4 Q. And was anyone outside of the vehicle
5 fighting as far as you could tell?

6 A. No, ma'am. I did not observe anyone
7 fighting outside the vehicle.

8 Q. Okay. Did you observe any of the
9 individuals outside of the vehicle helping to
10 direct the vehicle?

11 A. I don't recall seeing anyone direct the
12 vehicle.

13 Q. Is there anything specific you recall
14 about who was -- well, strike that.

15 Can you describe any of the people that
16 were outside of the vehicle?

17 A. I just -- I could see figures because of
18 how far away it was. I could just see individual
19 figures in the yard. I couldn't actually tell
20 what they truly looked like.

21 Q. Okay. Could you tell what they were
22 wearing?

23 A. No, ma'am.

24 Q. Okay. Was there light shining on the
25 individuals outside of the vehicle from the house

Exhibit "5"



1 or from another source?

2 A. The front porch did have a light on it,
3 yes, ma'am.

4 Q. Okay. Do you know how many people were
5 outside of the vehicle?

6 A. No, ma'am.

7 Q. Once you were outside of your car, could
8 you make out what anyone was saying?

9 A. No. When I first was walking up, I just
10 could hear yelling still.

11 Q. I want to talk again -- strike that.

12 At some point did you look away from --
13 strike that.

14 Did you go directly then to 210?

15 A. I started to walk towards 210, correct.

16 Q. Where were you when you started to walk
17 towards 210?

18 A. I was on the north side of 25th Street.
19 There was like a little driveway just west of my
20 car.

21 Q. So were you on the driveway or were you
22 on the street?

23 A. No. I wasn't on the street. I was kind
24 of off to the side of the street, like not
25 actually on the asphalt.

Exhibit "5"



1 Q. Okay. And were you looking at any of
2 the mailboxes?

3 A. Yes, ma'am. The white mailbox ahead of
4 me.

5 Q. Why were you looking at the mailbox?

6 A. Without my -- or from the distance, I
7 couldn't tell what the last digit on that mailbox
8 was. And I was trying to make sure if I was --
9 needed to be on the even or the odd side of the
10 street because typically the addresses are -- one
11 side is even, one side is odd. I was just trying
12 to verify to make sure that was the correct
13 residence I needed to be going to.

14 Q. Okay. So would it be fair to say that
15 you believe that where the individuals were where
16 you were headed that you were verifying that?

17 A. Yes, ma'am.

18 Q. What did you have to -- strike that.
19 You said you had trouble seeing the
20 mailbox number; is that right?

21 A. Yes, ma'am.

22 Q. Did you do anything to help you see what
23 was on the mailbox?

24 A. Yes, ma'am. I illuminated it with my
25 flashlight.

Exhibit "5"



1 driveway; is that what you're asking me?

2 MS. RAVEENDRAN:

3 Q. It would have been north. All right.

4 Let me start over.

5 A. I'm sorry.

6 Q. So once you had parked, you got out of
7 the vehicle, right?

8 A. Uh-huh. Yes, ma'am. Sorry.

9 Q. Okay. And would it be fair to say that
10 you had to walk west on 25th to get around your
11 vehicle and then you went towards the driveway to
12 the right?

13 MR. WHITFIELD:

14 Object to the form.

15 A. I walked west from my parked vehicle and
16 went to the north side of the road towards that
17 mailbox.

18 MS. RAVEENDRAN:

19 Q. Okay. And when you were looking at the
20 mailbox, you were on the driveway already?

21 MR. WHITFIELD:

22 Object to the form.

23 A. I couldn't recall if I was actually on
24 the driveway when I was looking at the mailbox
25 because I don't know how wide it was. I know that

Exhibit "5"



1 -- I had seen the mailbox from the time I got out
2 of the car and all the way up until when I got to
3 the mailbox itself.

4 MS. RAVEENDRAN:

5 Q. Do you know what the address was for the
6 mailbox that you were looking at?

7 A. I don't recall the actual numbers. I
8 remember I just had trouble reading the last one,
9 the last actual digit. I could see the 2 and the
10 0 on there very easily, but the last one was like
11 either dark or something was messed up with it,
12 but I couldn't actually read it.

13 Q. And you said it was a white mailbox?

14 A. Yes, ma'am.

15 Q. Were there any lights on -- strike that.

16 Did you observe any lights that were on
17 for the house that the mailbox corresponded to?

18 A. I couldn't -- I don't remember if there
19 was lights on it or not, honestly.

20 Q. Fair to say there wasn't enough light
21 for you to make out the last digit on the mailbox?

22 A. Yes, ma'am.

23 Q. Do you wear glasses?

24 A. No, ma'am.

25 Q. When you were looking at the mailbox,

Exhibit "5"



1 the headlights -- strike that.

2 when you were looking at the mailbox,
3 were your headlights on?

4 A. No, ma'am, they were not. Once I was
5 out of the vehicle, there was no headlights on the
6 vehicle.

7 Q. And I just want to clarify. When you
8 were looking at the white mailbox, where were you
9 standing?

10 A. I had seen it from the time I parked to
11 even when I got out of my vehicle, I had noticed
12 it there. And that's when I was going to it to
13 verify what number it was.

14 Q. When you had your flashlight out looking
15 at that last number on the white mailbox, do you
16 remember if you were standing in the driveway, the
17 street or the grass?

18 A. I mean, I illuminated it all the way up
19 until like when I was walking to it to see if I
20 could see it from the distance I was at. And
21 since I couldn't, I just kept walking closer and
22 closer to it.

23 Q. Okay. So from the position where you
24 were closest to the white mailbox, do you remember
25 where you were standing?

Exhibit "5"



1 MS. RAVEENDRAN:

2 Q. Yes.

3 A. I don't recall anyone talking to me, no,
4 ma'am.

5 Q. After you got out of the vehicle before
6 the shooting occurred, did you attempt to make any
7 statements or commands to the individuals who were
8 outside of 210?

9 A. Other than the people in the vehicle or
10 just -- okay. Yeah. The people at the house
11 you're talking about?

12 Q. Yes.

13 A. I didn't make any statements to them,
14 any of the people that were actually at the house
15 other than the verbal commands I gave to the
16 driver of the vehicle.

17 Q. Did you utilize any kind of intercom or
18 radio system from your vehicle to make any
19 announcements after you arrived at the
20 intersection of 25th and Oak Street?

21 A. I did not.

22 Q. What was the next thing you recall doing
23 after you were looking at the white mailbox to
24 determine the address?

25 A. I observed the truck backing out of the

Exhibit "5"



1 driveway and strike the mailbox to the south of
2 25th Street.

3 Q. Where exactly -- strike that. Did you
4 see -- strike that also.

5 When you say "the truck," are you
6 referring to the GMC Sierra that was being driven
7 by Mr. Parker?

8 A. Yes, ma'am.

9 Q. When you first saw the GMC, do you
10 recall whether it was in a driveway, grass or the
11 street? It appeared to me that it was in the driveway of 210 25th

12 A. ~~It was in the driveway of 210 25th~~
13 Street.

14 Q. When you first observed the GMC, could
15 you tell how many passengers were in the car?

16 A. No, ma'am.

17 Q. Could you tell if the driver was male or
18 female?

19 A. No, ma'am.

20 Q. And could you tell the race of anyone in
21 the vehicle?

22 A. No, ma'am.

23 Q. Could you see the reverse lights of the
24 vehicle?

25 A. ~~When it was backing out of what appeared to me as the driveway~~
~~When it was backing out of the driveway~~

Exhibit "5"



1 of 210, I could see the reverse lights.

2 Q. Were you parallel with the GMC when you
3 saw it backing out of the driveway?

4 MR. WHITFIELD:

5 Object to the form.

6 MR. BRUNI:

7 Same objection.

8 A. I was east of the residence and it was
9 ~~backing out south from what appeared to be the driveway which runs~~
~~backing out south from the driveway which runs~~

10 north and south. So to say if I was exactly
11 parallel, I don't know, but that's where my
12 location was. I was east of the vehicle, or east
13 of the residence the vehicle was leaving, and it
14 was backing out southward.

15 MS. RAVEENDRAN:

16 Q. And you were facing westward?

17 A. Yes, ma'am.

18 Q. Do you remember where you were standing
19 when you first saw the GMC backing out of the
20 driveway?

21 A. It was while I was walking up to the
22 mailbox, like walking to the direction of the
23 mailbox to get a better view of it with my
24 flashlight.

25 Q. Okay. And do you know if you were

Exhibit "5"



1 standing on the driveway of the house with the
2 white mailbox in the grass or on 25th Street?

3 A. I don't know if I was on the asphalt or
4 the grass. I know I was between the distance from
5 my car actually to the mailbox because I was
6 walking pretty much aligned to that mailbox when I
7 first saw it backing out.

8 Q. Okay. Can you describe the GMC, what
9 you remember seeing of that vehicle?

10 A. I saw a dark colored truck, like a
11 full-size truck.

12 Q. Did you notice how big the cab was?

13 A. I couldn't tell you if it was like a
14 four door or if it was an extended cab at the time
15 when I first saw it.

16 Q. You said that you observed the GMC
17 backing out of the driveway and strike a mailbox;
18 is that right?

19 A. Yes, ma'am.

20 Q. Can you describe the mailbox, color,
21 size, anything like that?

22 A. I couldn't tell you the color. I just
23 know -- because it was so dark. I just -- I could
24 audibly hear the sound of the impact and visually
25 see it hitting the mailbox. I could just see the

Exhibit "5"



1 shape of it, like a silhouette.

2 Q. And did you observe whether the mailbox
3 moved?

4 A. Yes, ma'am.

5 Q. What did you observe the mailbox doing?

6 A. When it was struck by the vehicle, it
7 appeared to have been pushed back, like leaning
8 back more than it was before it was hit.

9 Q. Okay. Did it fall over completely?

10 A. No, ma'am.

11 Q. Could you tell if the mailbox was pushed
12 into the ground -- well, strike that. Before the
13 vehicle struck the mailbox, could you tell if the
14 mailbox -- strike that also.

15 At any point while you were on scene,
16 did you observe if the mailbox that the GMC struck
17 was pushed into the ground or on a cement block of
18 some kind?

19 A. I was too far away to --

20 MR. WHITFIELD:

21 Object to the form.

22 COURT REPORTER:

23 You've got to repeat your answer,
24 please.

25 THE WITNESS:

Exhibit "5"



1 I was too far away to be able to see how
2 it was mounted or how it was positioned in the
3 ground. I just could see that it was there.

4 MS. RAVEENDRAN:

5 Q. Okay. At any point while you were on
6 scene, did you go look at the mailbox that the GMC
7 struck?

8 A. No, ma'am.

9 Q. Can you describe the sound you heard
10 when the GMC hit the mailbox?

11 A. It was just like the sound of contact.
12 I don't know really -- other than to say like
13 something hitting something, like a vehicle
14 hitting something.

15 Q. Did you hear the sound of any glass
16 breaking?

17 A. I don't remember hearing glass breaking.

18 Q. And do you recall hearing any sound of
19 something shattering on the vehicle?

20 A. I don't really -- I don't remember
21 hearing anything shatter.

22 Q. How -- strike that.

23 Could you tell how fast the GMC was
24 going when it backed out of the driveway and
25 struck the mailbox?

Exhibit "5"



When it was backing out of what appeared to be the driveway

A. ~~when it was backing out of the driveway,~~

it was going fairly slow because it looked like it was having to maneuver around maybe other vehicles or something. So it was going relatively slow to be able to maneuver through all the -- whatever was in the yard.

Q. Were there cars in there?

A. Of 210 25th Street, yes, ma'am.

Q. Could you tell -- well, strike that.

Did the GMC start at the top of the driveway for 210 25th Street or was it somewhere down the driveway?

MR. WHITFIELD:

Object to the form.

MR. BRUNI:

Same objection.

A. When I saw it, it was -- I don't know where the top of the driveway started, but it was like -- there was a couple of cars that were parked east of it in the yard, and then the truck, I could just see it slowly backing out. It was like past the chain-link fence, or whatever fence they had there at the south part of the residence, the yard. And it was slowly backing out from there until it got past the chain-link and

Exhibit "5"



1 continued on until it hit the mailbox.

2 MS. RAVEENDRAN:

3 Q. Have you ever received any information
4 that made you believe that the GMC was parked in
5 the grass?

6 A. Of 210, like where it was parked there?

7 Q. Yes.

8 A. No, ma'am. I didn't receive any
9 information.

10 Q. When you first saw the GMC, it was
11 already moving; is that right?

12 A. Yes, ma'am.

13 Q. So you never saw where it was parked; is
14 that fair?

15 A. Correct.

16 Q. Once the GMC made contact with the
17 mailbox on the south side of the street, did you
18 see the GMC stop?

19 A. Yes, ma'am, it stopped. As soon as it
20 hit the mailbox, it came to a stop.

21 Q. Okay. And then did you at some point
22 see the reverse lights go off?

23 A. Yes, ma'am.

24 Q. Do you remember if that was before or
25 after it made contact with the mailbox?

Exhibit "5"



1 A. It was after because the vehicle had
2 stayed stationary. For a second, I actually
3 believed that the driver was gonna get out to
4 check the damage. That's why I went to make
5 contact with the vehicle.

6 Q. Okay. So you saw that the vehicle had
7 stopped at that point?

8 A. Yes, ma'am.

9 Q. Okay. Did you see brake lights on the
10 GMC after the reverse lights went off?

11 A. I could see the reflection like off of
12 the actual mailbox. That's how I was able to see
13 the reverse lights as well. Because it was so
14 close to the mailbox, I could see the white light.
15 And then when the white light turned off, that's
16 how I knew the reverse lights were off.

17 Q. Okay. And then did you see any red
18 lights reflecting off the mailbox after the
19 reverse lights turned off?

20 A. Yeah. I couldn't tell if it was the
21 brake lights or if it was just the running lights.

22 Q. Did you observe if the GMC had its
23 headlights on?

24 A. Yes, ma'am, it did.

25 Q. Okay. And at the time the GMC made

Exhibit "5"



1 contact with the mailbox, its headlights were
2 facing towards 210 25th Street; is that right?

3 A. Not -- I don't know if it was directly
4 at the 210 25th Street. It was almost kind of
5 like at an angle so the person could come back
6 onto the road eastbound on 25th.

7 Q. Were you within the path of the
8 headlights when the GMC made contact with the
9 mailbox?

10 A. No, ma'am.

11 Q. So at the time that the GMC made contact
12 with the mailbox on the south side of the street,
13 had you remained by the mailbox on the north side
14 of the street?

15 A. When it made contact with it, I started
16 -- once it made contact with the mailbox is when I
17 veered my path towards the vehicle to make contact
18 with it.

19 Q. So before it made contact with the
20 mailbox -- strike that.

21 Before the GMC made contact with the
22 mailbox, you were still by the mailbox on the
23 north side of the street?

24 A. I was still walking towards the mailbox,
25 yes.

Exhibit "5"



1 A. No, ma'am.

2 Q. At some point -- strike that. Can you
3 describe the path -- strike that.

4 When you started in a southwestern
5 direction towards the GMC, were you walking into
6 the street at that point?

7 A. Yes, ma'am. I had to cross the street
8 to get -- because they were on the south side.

9 Q. Did you see the GMC move after you
10 started walking?

11 A. Yes, ma'am.

12 Q. What did you see the GMC do after you
13 started walking?

14 A. It began to travel slightly northeast
15 onto the roadway and then turn to the right of its
16 direction of travel to get straight onto 25th
17 Street going eastbound.

18 Q. Is 25th Street a two-way street there?

19 A. There's no markers on the road, so I
20 don't know if you could classify it as two-way
21 street.

22 Q. Can you go in both directions on 25th
23 Street?

24 A. Yeah. It's just a skinnier road. You
25 just have to be careful when you do it.

Exhibit "5"



1 Q. Is there parking allowed on both sides
2 of 25th Street?

3 MR. BRUNI:

4 Object to the form.

5 A. I don't know what you define as like
6 allowed. It seemed to be that some of the yards,
7 like some of the residence, they either had their
8 own dedicated area for, I guess, their guests on
9 the north side. That's the way it appeared for
10 208, the house just east of 210 as well as 210.
11 But from what I recall on the south side, I didn't
12 see any kind of like dedicated areas for parking.

13 MS. RAVEENDRAN:

14 Q. Other than your police vehicle, did you
15 observe any other vehicles parked on the street on
16 25th Street?

17 A. I don't recall seeing any vehicles
18 parked on the street of 25th Street at that time.

19 Q. Once the GMC turned eastbound on 25th,
20 did you see if it was staying on the right side of
21 25th Street?

22 A. Did I see if it was what? You say
23 saying or staying?

24 Q. Staying on the right side.

25 MR. BRUNI:

Exhibit "5"



1 Object to form.

2 A. It was more or less trying to maneuver
3 its way down it looked like the middle of 25th
4 Street coming eastbound.

5 MS. RAVEENDRAN:

6 Q. Did you continue walking when you saw
7 the vehicle turn eastbound?

8 A. Yeah. 'Cause at the point that I saw
9 the vehicle leaving, I assumed that the vehicle
10 was just going to slow roll up to me so I could
11 make contact with the driver, since I was already
12 illuminating the truck to let them know that I was
13 there and to stop the vehicle. So I was still
14 kind of coming up to where they would see me so I
15 could make contact with the driver.

16 Q. Where were you when you started -- well,
17 strike that.

18 Can you describe what you were doing
19 with the flashlight again?

20 A. Yes, ma'am. So initially I had it in
21 the just on mode so it was at its highest power
22 and on shinning at the vehicle once I saw it
23 leaving from the mailbox. Because I believed at
24 that point he committed the misdemeanor crime of
25 leaving the scene of an accident causing property

Exhibit "5"



1 damage.

2 So as I went to make contact with the
3 vehicle, as it kept slow rolling, I activated it
4 -- activated the strobe function to illuminate and
5 show that there was a visible change in the
6 drivers's vision so that they would be alerted to,
7 oh, there's something in my path or to the left of
8 my path so that I could -- that they would see me.

9 Q. When did you first raise your flashlight
10 up to point it at the GMC?

11 A. As soon as it was leaving from the
12 mailbox.

13 Q. And where were you located at the moment
14 that you pulled your flashlight up to illuminate
15 the GMC?

16 A. I was toward the center of 25th Street.

17 Q. And where was the GMC at that point?

18 A. It was coming eastbound. It had just
19 pulled out from the mailbox and gotten
20 straightened up on the road.

21 Q. When did you turn on the strobe
22 function?

23 A. Once it actually made it straight onto
24 25th Street and continued, that's when I started
25 the strobe function on the flashlight.

Exhibit "5"



1 A. It was continuing eastbound on 25th
2 Street.

3 Q. And where were you standing at that
4 point?

5 A. Standing at the center of the roadway
6 waiting for the vehicle to pull up next to me.

7 Q. Is it fair to say you saw the vehicle
8 pulling towards your direction at that point?

9 A. Yes, ma'am.

10 Q. And why did you remain in the roadway?

11 A. Because I -- the way it looked, that the
12 vehicle was gonna -- since it was going slow at
13 the time, it was going to just drive up to me so
14 that I could make a stop, kind of like when you're
15 directing traffic, so that I could speak with the
16 driver.

17 Q. Did you say anything at that point?

18 A. Yes, ma'am. I was telling the vehicle
19 -- I was telling the driver to stop the vehicle.

20 Q. What were you saying exactly?

I said, stop the vehicle, stop the vehicle, police, stop the vehicle.

21 A. ~~I said, stop the vehicle, sir, stop the~~
22 ~~vehicle. At which point after the first stop, I~~
23 pulled out my firearm so that I would have a
24 second flashlight, which I have a light on my
25 Glock 17. So that I had one as strobe and then

Exhibit "5"



1 one was actually just like staying on.

2 ~~As I stated, once the vehicle continued, I said, stop~~
~~Once the vehicle continued, I said, stop~~

3 the vehicle, stop the vehicle, police, stop the
4 ~~vehicle. Right after I gave those commands of~~

5 ~~vehicle. Right before I gave those commands of~~

6 stop the vehicle, stop the vehicle, police, stop

7 the vehicle is when I heard the vehicle

8 accelerate, or the RPMs pick up on the vehicle, at

9 which point I started backpedaling towards the

10 south side of the road to get out of the path of

11 the vehicle.

12 Q. why did you start backpedaling towards
13 the south side of the road?

14 A. I was actually already closer to that
15 part of the road. And I assumed that if I got out
16 of the roadway, that the vehicle would be able to
17 pass by me on what would have been my right side,
18 on the truck's right side as well.

19 Q. So I want to break that down a little
20 bit.

21 A. Yes, ma'am.

22 Q. Where were you when you started saying,
23 stop the vehicle?

24 A. In the roadway of 25th Street.

25 Q. Were you closer to the north or south
side of the street?

Exhibit "5"



1 A. I was like right at the center, but
2 towards more of the south side of the road.

3 MS. RAVEENDRAN:

4 Okay. I'm going to mark Exhibit 49 --

5 MR. WHITFIELD:

6 Hey, Bhavani, did you say you're going
7 to mark 29?

8 MS. LIND:

9 49.

10 MS. RAVEENDRAN:

11 49.

12 MR. WHITFIELD:

13 49, okay.

14 MS. RAVEENDRAN:

15 I think you're at 49.

16 MR. WHITFIELD:

17 Yeah. I think we're up to --

18 MS. LIND:

19 49.

20 MR. WHITFIELD:

21 -- 49.

22 MS. RAVEENDRAN:

23 And for the record, I'm going to show PL
24 Parker 1057.

25 MS. LIND:

Exhibit "5"



1 You can go off the record. Thank you.

2 VIDEO TECHNICIAN:

3 All right. We're going off the record
4 at 10:55.

5 (off the record.)

6 VIDEO TECHNICIAN:

7 We are back on record at 11:01.

8 MS. RAVEENDRAN:

9 Okay. Thank you. Thanks, everyone for
10 your assistance here.

11 Q. Officer Cuevas, if you could mark with a
12 number "1" where you were when you were stopped,
13 looking at the mailbox on the north side of the
14 street?

15 A. (Witness complying.)

16 Q. And if you could hold that up for the
17 videographer, please.

18 A. (Witness complying.)

19 Q. Okay. Thank you. And then moving
20 forward, can you mark with a "2" where you were
21 located when you started saying, stop to the
22 vehicle?

23 A. (Witness complying.)

24 Q. Can you hold that up for her?

25 A. Sorry.

Exhibit "5"



1 Q. And for the record, you've mark a "1"
2 and a "2" on Exhibit 49 and you're holding it up
3 for the videographer?

4 A. Yes, ma'am.

5 Q. Okay. Thank you. And then if you could
6 -- well, let me ask you first, do you know where
7 you were when you started backpedaling?

8 A. I couldn't tell you exactly where I was.
9 All I could see is like the vehicle itself, like
10 that's all I was focused on. But --

11 Q. If you don't know, that's okay.

12 MR. WHITFIELD:

13 Don't write. Don't write yet. Until
14 she asks you, don't write anything on that
15 exhibit.

16 THE WITNESS:

17 Okay.

18 MS. RAVEENDRAN:

19 Q. So, yeah, what I'm trying to ask you is,
20 is it possible for you to identify where you were
21 when you started backpedaling? And if not, that's
22 okay. I'm just asking.

23 A. Based on this, no. It's like there's --
24 because it's just like black and white. There's
25 no landmarks or anything. There's nothing to give

Exhibit "5"



1 me a reference of where I was at at the time, what
2 I remember seeing.

3 Q. Okay. Well, I appreciate that. So you
4 can put the marker down for now. We might revisit
5 that, but I don't want you to mark it if it's not
6 something you can identify. That's okay.

7 All right. So if we can go back to when
8 you were backpedaling. Before you started
9 backpedaling, did you ever observe whether the
10 tires were going straight or in another direction?

11 A. When I started backpedaling, I noticed
12 that the tires were -- like the vehicle was
13 actually turning to its right toward the direction
14 that I was actually backpedaling to.

15 Q. So you were backpedaling towards the
16 south side of the street and you saw the tires
17 turn towards the south as well; is that right?

18 A. Yes, ma'am.

19 Q. Could you describe the angle of the
20 tires?

21 A. No. It was more or less like I could
22 see that the vehicle like was actually moving
23 towards my direction. And for that to happen, the
24 tires would have to be turned toward my direction.

25 Q. Okay. So you don't remember actually

Exhibit "5"



1 observing the tires themselves; you saw the car
2 moving towards you?

3 A. Yeah. Like the vehicle was actually
4 turned towards me, which the tires would have to
5 be turned towards me to actually keep on straight
6 ahead with me.

7 Q. Okay. So would it be fair to say that
8 you don't have an observation of the angle of the
9 tires?

10 A. That would be fair.

11 Q. And when you are referencing tires, are
12 you talking about the front tires, the back tires
13 or all four?

14 A. The -- what I'm referring to is -- that
15 would have to be turning would have been the front
16 tires.

17 Q. Where was the car located on 25th Street
18 when you saw the tires turning towards you?

19 A. It was coming more towards the south --
20 it was on like the south side of the road and
21 started coming off into the grass. That's when I
22 realized that it was actually turning south.

23 Q. Where in relation to the driveway of 210
24 25th Street was the car when you started to notice
25 it turning to the south?

Exhibit "5"



1 if you can mark approximately where you think the
2 vehicle was located when it started turning in
3 your direction, understanding that this Exhibit 49
4 is not drawn to scale.

5 A. (Witness complying.)

6 MR. WHITFIELD:

7 So she wanted you to put -- did you say
8 an "A"?

9 THE WITNESS:

10 I thought you said a rectangle.

11 MR. WHITFIELD:

12 A rectangle, that's right.

13 MS. RAVEENDRAN:

14 A rectangle with an "A."

15 THE WITNESS:

16 Okay.

17 MS. RAVEENDRAN:

18 Do you mind just holding up whatever
19 you've drawn for the videographer?

20 MR. WHITFIELD:

21 Put an "A" below it with an arrow to it.
22 There you go. Because you can't put an "A" in
23 there and still make it out.

24 THE WITNESS:

25 Because this is way off with this

Exhibit "5"



1 because there's like nothing there. It's just
2 like a bunch of lines.

3 MS. HARTON:

4 Maybe he can circle the new ones.

5 MS. RAVEENDRAN:

6 Yes. why don't we do that. Thank you.

7 Q. why don't you circle the two that you
8 just --

9 A. I'll use the red to circle.

10 Q. -- made, the "1" and "2", with a red
11 circle. okay.

12 MR. WHITFIELD:

13 He's done it. Let me show you what he's
14 done.

15 MS. RAVEENDRAN:

16 All right. Thank you.

17 Q. So can you clarify to us where -- strike
18 that.

19 Can you clarify the "1" and "2" that you
20 put the red circles around what you are signifying
21 by doing that?

22 A. What I was -- what was the last part?
23 I'm sorry.

24 Q. What are you indicating by the "1" and
25 "2" that are circled with the red circle?

Exhibit "5"



1 A. My position -- the "1" would be when I
2 first started seeing the vehicle when it backed
3 out and hit the -- hit the mailbox.

4 Q. Okay.

5 A. And then the "2" is the point at which I
6 began giving the commands of stop the vehicle,
7 stop the vehicle, police, stop the vehicle while I
8 was backpedaling.

9 Q. Okay. Thank you. Now I'd like you to
10 mark with a number "3" where you ended up when you
11 stopped backpedaling.

12 A. (Witness complying.) You might not be
13 able to see it since it's in black.

14 Q. And can you hold that up for the camera?

15 A. Do you want me to circle it with red or
16 -- because it's kind of hard to see.

17 Q. Well, hopefully we'll only have one
18 number "3," so you don't need to circle it.

19 MR. WHITFIELD:

20 I will tell you -- let me show you,
21 Bhavani. The thing that's making it difficult is
22 these Sharpies have got like a tip on it that's
23 not very -- it's not like a pinpoint. And it's
24 making it hard to put numbers on a document and
25 still make it make sense.

Exhibit "5"



1 So here's what he did, and I guess his
2 question is, is do you want him to circle the "3"
3 in red like he did the later "1" and "2"?

4 MS. RAVEENDRAN:

5 No. That's okay.

6 MR. WHITFIELD:

7 Can you see where he put the "3"?

8 MS. RAVEENDRAN:

9 I can, yes. Thank you.

10 MR. WHITFIELD:

11 Okay. All right.

12 MS. RAVEENDRAN:

13 Q. By the time you ended at number "3" on
14 Exhibit 49, you had already used your flashlight
15 on the truck; is that right?

16 A. Yes, ma'am.

17 Q. While you were backpedaling, did you do
18 anything other than try to move out of the way?

19 MR. BRUNI:

20 Object to the form.

21 MR. WHITFIELD:

22 Join.

23 A. What do you mean?

24 MS. RAVEENDRAN:

25 Q. What were you doing as you were

Exhibit "5"



1 backpedaling? Were you saying anything, doing
2 anything with your hands?

3 A. Yeah. I still had the flashlight
4 pointed at the truck to kind of say, hey, here I
5 am, and I was giving the verbal commands, police
6 -- or stop the vehicle, stop the vehicle, police,
7 stop the vehicle.

8 Q. Are you saying please stop the vehicle
9 or police?

10 A. No. Sorry. Police, stop the vehicle.

11 Q. Okay. Thank you. And when you said you
12 were backpedaling and you still had the
13 flashlight, was the flashlight in strobe mode or
14 another mode?

15 A. No. It was still in strobe mode. I was
16 like kind of doing like this, so it was still on.

17 Q. Okay. And where were you when you took
18 your firearm out of the holster?

19 A. Where was I when what?

20 Q. You had mentioned that at some point you
21 had the flashlight and the firearm; is that right?

22 A. Oh, yes, ma'am. Yes, ma'am.

23 Q. Where were you -- without marking the
24 paper. If you could verbally tell me, where you
25 were when you took out your firearm?

Exhibit "5"



1 A. So I was coming across pretty much right
2 where number "2" was. Because I had -- when I
3 walked up, once the vehicle kept going, that's
4 when I started backpedaling, like, hey, stop the
5 vehicle, stop the vehicle. And when the vehicle
6 wasn't stopping, that's when I was on the side of
7 the vehicle. So right before I gave out the
8 commands, I pulled my firearm out giving those
9 verbal commands.

10 Q. When you referenced the number "2," did
11 you mean the number "2" with the red circle or the
12 number "2" without a red circle?

13 A. The one with the red circle, yes, ma'am.

14 Q. Okay. Could you tell how far you were
15 from the GMC when you pulled out your firearm?

16 A. I couldn't give you an exact distance,
17 but it wasn't super far away. It wasn't like, you
18 know, 100, 200 yards or anything like that.

19 Q. Was it less than five feet?

20 A. When I first pulled out my firearm?

21 Q. Yes.

22 A. No. It was a little bit further than
23 five feet because I gave the verbal commands as I
24 was backpedaling before I discharged my firearm.

25 Q. Once you saw the vehicle turning

Exhibit "5"



1 southbound, why didn't you change your direction
2 to move northbound?

3 MR. WHITFIELD:

4 Object to the form. I objected to the
5 form. That's all I did.

6 THE WITNESS:

7 okay.

8 MR. WHITFIELD:

9 If you can answer the question, answer
10 the question.

11 A. Because I had already tried to take the
12 path to get out of the vehicle's pathway, which I
13 ~~figured ceding the road to the vehicle would be~~
~~figured seeding the road to the vehicle would be~~
14 the smartest option, so that I would get out of
15 the roadway so the vehicle could travel down the
16 roadway. And if I would have went back north I
17 would have been more in the roadway than I was if
18 I would have just continued a little bit more
19 south to get out of the roadway.

20 MS. RAVEENDRAN:

21 Q. And if we can go back to when you
22 removed -- strike that.

23 when you first took your firearm out, do
24 you recall if you were to one of the sides of the
25 vehicle or in front of the vehicle?

Exhibit "5"



1 A. No. I was more in front of the vehicle.

2 Q. Were you directly in front of the
3 vehicle, closer to the passenger side or the
4 driver's side, if you know?

5 A. I was like directly in front of the
6 vehicle, like where basically the logo is on the
7 front of the truck.

8 Q. At some point did you turn on your
9 weapon light?

10 A. Yes, ma'am. When I immediately pulled
11 it out, that's when I activated my weapon light.

12 Q. After you backpedaled, what happened?

13 A. I observed the vehicle continuing to
14 follow me towards the roadway, at which point I --
15 after I had given the verbal commands and the
16 vehicle continued to follow me, I discharged my
17 firearm three times.

18 Q. Where were you standing when you
19 discharged your firearm?

20 A. Directly in front of the truck.

21 Q. Were you in the grass, were you on the
22 road, if you recall?

23 A. Well, I discharged it three times as I
24 was moving, so I couldn't tell you exactly where I
25 was for each one of them. I just remember I was

Exhibit "5"



1 continuing to move as I was discharging my weapon.

2 Q. Okay. So you -- strike that. When you
3 discharged your first -- strike that.

4 When you first fired your weapon, were
5 you directly in front of the GMC?

6 A. Yes, ma'am.

7 Q. And then you moved towards the passenger
8 side of the GMC; is that right?

9 A. I moved southward, like directly -- not
10 towards the passenger of the vehicle. I wasn't
11 going towards the vehicle. I was going directly
12 south of where I was, basically backpedaling to
13 the south of the road.

14 Q. Okay. And you discharged three times;
15 is that right?

16 A. Yes, ma'am.

17 Q. Could you mark with a number "4" where
18 you discharged for the third time?

19 A. I don't know if it's going to fit on
20 there.

21 MR. WHITFIELD:

22 Yeah. The -- I guess he could put it
23 down there, but, Bhavani, look at the dilemma that
24 he's in because there's just really no space to
25 really put it in there. I guess you could make an

Exhibit "5"



1 arrow and point.

2 MS. RAVEENDRAN:

3 Yeah. If you want to draw a line with a
4 little arrow at the end to where number "4" is and
5 then put the "4" at the end of the arrow, that's
6 totally fine.

7 MR. WHITFIELD:

8 why don't you use --

9 Can he use a pen just to get some
10 definition out of it, my pen?

11 MS. RAVEENDRAN:

12 Absolutely, yeah.

13 A. The easiest way is -- like the vehicle
14 stopped after the third shot, which is when I
15 stopped. So, I mean, number "3" marked where I
16 was when the vehicle came to a stop, so that would
17 be where I discharged my third round.

18 MS. RAVEENDRAN:

19 Q. Okay. That's fine.

20 A. I don't want to write a "4" over the top
21 of the "3."

22 Q. Yeah. That makes total sense. So
23 number "3" is where you were when you discharged
24 for the third time; is that right?

25 A. Yes, ma'am.

Exhibit "5"



1 Q. Okay. And when you fired your Glock for
2 the first and second time, would it be fair to say
3 that this was between number "2" and number "3"?

4 A. Yes, ma'am. That would be fair.

5 Q. Okay. And I'm referencing the "2"
6 without the red circle?

7 A. The one without the red circle?

8 Q. Here, let me start over just so it's
9 clear. Can you, using the numbers on the sheet,
10 explain to us where you would have been when you
11 fired your weapon for the first and second time?

12 A. So do you see where the "7" is and then
13 you have that little red triangle and then -- I
14 don't know if that's a 12 or what that is. Like
15 do you see where the suspect vehicle is, then you
16 have some kind of number right above it? I don't
17 know if that's a number or if that's something
18 else that goes to the diagram.

19 Q. Sure.

20 A. So I would say between where that little
21 mirror is on the truck, between like that part of
22 the fender to the "3," in between that small
23 distance is where I fired. Because it was very --
24 it was in rapid succession. It was pretty quickly
25 when I -- how I fired.

Exhibit "5"



1 Q. Okay. And when you reference the "3,"
2 are you talking about the "3" that you marked?

3 A. Oh, yes, ma'am. Sorry. Yes, ma'am.

4 Q. So between the yellow "7" and what you
5 marked as "3"?

6 A. I don't know if you can see it on the
7 truck. There's like a "1" and a "2" just barely
8 on it. Do you see that?

9 Q. Yes. Very little ones. Yes, I see
10 those.

11 A. Yeah. I would say between there and the
12 "3" would be where I discharged my firearm the
13 first time to the last time.

14 Q. Okay. So just to be clear, you
15 discharged your firearm between -- strike that.

16 Between the little "1" and the "2" that
17 are on the diagram that you did not add to the
18 diagram and the number "3" that you added to the
19 diagram is where you believe the three shots
20 occurred; is that fair?

21 MR. BRUNI:

22 Wait a minute. There's a "1" and a "2"
23 that --

24 MR. WHITFIELD:

25 It's on the -- let me make sure we're

Exhibit "5"



1 Q. I think their sticker is in a different
2 place than mine, so that's the best I can help.
3 I'll just reference the picture itself.

4 A. Okay.

5 Q. You're able to see the yield sign in the
6 back of the picture?

7 A. Yes, ma'am. There's two of them.

8 Q. Okay. And those yield signs are at the
9 intersection of 25th and Oak; is that right?

10 A. Yes, ma'am.

11 Q. And you turned left onto 25th from Oak;
12 is that correct?

13 MR. WHITFIELD:

14 when he approached?

15 MS. RAVEENDRAN:

16 Q. Yes. When you approached.

17 A. Yeah. I was coming northbound on Oak
18 Avenue and turned left onto 25th Street.

19 Q. Okay. And you see that there is a tree
20 and some bushes to the right of your squad vehicle
21 where it's parked; is that right?

22 A. To the north side of the patrol car,
23 yes.

24 Q. Okay. And then if you continue forward
25 in the picture, there's a drive on the north side

Exhibit "5"



1 After you fired your weapon for the
2 third time, what happened next?

3 A. I observed the vehicle immediately come
4 to a stop, like very abruptly.

5 Q. Did you see brake lights?

6 A. I couldn't see the rear of the vehicle.

7 Q. How far into the grass -- well, strike
8 that.

9 Was the GMC in the grass when it
10 stopped?

11 A. From where I was standing, I observed it
12 to be in the grass, yes, ma'am.

13 Q. All right. I'm going to show you what
14 we'll mark as 50, Exhibit 50, Plaintiff's Exhibit
15 50.

16 MR. WHITFIELD:

17 What number was it, Bhavani?

18 MS. RAVEENDRAN:

19 Plaintiff's Exhibit 50.

20 MR. WHITFIELD:

21 Actually I don't think we're calling
22 them plaintiff's or defendants'. I think we're
23 just calling them like exhibit whatever number.

24 MS. RAVEENDRAN:

25 No problem. Sorry.

Exhibit "5"



1 A. Just the headlights on the vehicle were
2 like very bright.

3 Q. Oh, so the headlights of the vehicle
4 were facing you and they were too bright for you
5 to see beyond them; is that fair?

6 A. Yes, ma'am.

7 Q. Do you know if your flashlight beam made
8 it so that the driver of the GMC couldn't see
9 beyond the flashlight beam?

10 MR. BRUNI:

11 Object to form.

12 A. I have no way of knowing that.

13 MS. RAVEENDRAN:

14 Q. Would you agree that it's possible?

15 MR. WHITFIELD:

16 Object to the form.

17 MR. BRUNI:

18 Object to form.

19 A. Like I said, I have no way of making an
20 opinion on what the driver could or couldn't see.

21 MS. RAVEENDRAN:

22 Q. Once the shooting was over, could you
23 tell if either the driver or the passenger were
24 injured in some way?

25 A. Initially I couldn't tell whether either

Exhibit "5"



1 A. That I was involved in a shooting.

2 Q. Did you give them information regarding
3 how the shooting occurred or did you just tell
4 them that you were in a shooting incident?

5 A. I just notified -- it was my birth
6 mother, my father and my wife that I was actually
7 in a shooting.

8 Q. Okay. But did you relay any details of
9 what happened?

10 A. No, ma'am.

11 Q. At any time did you have any information
12 to believe the GMC Sierra was stolen?

13 A. At the time, no, ma'am.

14 Q. At any time do you believe the GMC got
15 over five miles per hour while you observed it?

16 A. I perceived that it did get -- it was
17 faster than five miles an hour.

18 Q. At what point?

19 A. Right before I gave the commands of
20 stopping the vehicle, that's when I heard the
21 engine rev up, the RPMs pick up on it, and it
22 started to accelerate from the speed it was going
23 prior to that.

24 Q. Other than your observations, you didn't
25 have a way to measure the speed at that time; is

Exhibit "5"



1 Q. And at the first point that you walked
2 in front of the GMC's path, did you believe it was
3 safe at that time?

4 MR. BRUNI:

5 Object to the form.

6 MR. WHITFIELD:

7 Join.

8 A. I didn't actually walk directly into the
9 front of the GM's path as much as when I was
10 walking towards the center of the road because I
11 assumed the vehicle was just gonna come to a stop
12 so I could make contact with them.

13 MS. RAVEENDRAN:

14 Q. Okay. So up until the time that you
15 believe the vehicle was going to make a stop, you
16 had assessed that it was safe to be in the
17 roadway?

18 A. Yes, ma'am.

19 Q. And based on the type of call that you
20 were responding to, did you assess that it was
21 appropriate to not have your police lights and
22 sirens on when you parked your vehicle?

23 A. Yes, ma'am.

24 Q. How did you assess whether or not the
25 GMC was a threat on scene?

Exhibit "5"



1 A. Once it increased its speed, once it
2 began to accelerate and then once it started
3 turning towards me to the direction I was moving
4 to get out of its way is when I deemed that it was
5 a threat.

6 Q. Would you agree that as a police officer
7 you can't fire your firearm at an individual that
8 doesn't pose a deadly threat or a threat of bodily
9 harm to you?

10 A. There is other reasons why you can other
11 than just posing a direct threat to myself. It
12 also includes others.

13 Q. Sure. So would you agree as a police
14 officer that you can't employ a firearm against an
15 individual who doesn't pose a threat to you or
16 other individuals?

17 MR. BRUNI:

18 Object to the form.

19 MR. WHITFIELD:

20 Join.

21 A. There's case law on that including like
22 felony flight. There's multiple other cases where
23 you can. I'm not saying that's what occurred in
24 this case, just --

25 MS. RAVEENDRAN:

Exhibit "5"



1 Q. Okay. So if an individual is not
2 suspected of a felony and does not pose a threat
3 to you or other individuals, would you agree that
4 it would be inappropriate as a police officer to
5 use deadly force?

6 MR. WHITFIELD:

7 Object to the form.

8 MR. BRUNI:

9 Same.

10 A. There's just -- there's so many
11 different nuances of what you can -- when you can
12 and can't use deadly force. It's like a very
13 small question to be able to give a generalized
14 answer to it.

15 MS. RAVEENDRAN:

16 Q. Would you consider a firearm deadly
17 force when discharged?

18 A. Yes, ma'am.

19 Q. Would you agree that on February 1st,
20 2020, if the vehicle did not pose a deadly threat
21 to you, it would have been inappropriate to
22 discharge your firearm?

23 MR. BRUNI:

24 Object to the form.

25 MR. WHITFIELD:

Exhibit "5"



1 Join.

2 A. To base what would have been at the time
3 versus what actually happened would be kind of
4 inappropriate almost because -- based upon the
5 perception of what happened at that time.

6 MS. RAVEENDRAN:

7 Q. So what happened on the scene made you
8 believe it was appropriate to discharge your
9 firearm striking Mr. Parker's vehicle?

10 A. When I went to get out of the path of
11 the vehicle to allow it to go past me in a safe
12 manner, once it accelerated and then began turning
13 in towards my path of travel where I was trying to
14 go, that's when I deemed that it was appropriate
15 to use deadly force.

16 Q. Why?

17 A. To defend my life because I had -- I had
18 perceived a threat to cause serious bodily injury
19 or death to myself, at which point I was -- felt
20 by policy and by case law that I was justified in
21 employing deadly force against a threat.

22 Q. Would it be fair to say that had you not
23 felt threatened by deadly force you would not have
24 shot your gun?

25 MR. BRUNI:

Exhibit "5"



1 Object to form.

2 A. I mean, if I wouldn't -- if I didn't
3 feel a threat towards myself, then I wouldn't use
4 deadly force, if that's what you're asking.

5 MS. RAVEENDRAN:

6 Q. Yes. In these circumstances.

7 A. Yeah.

8 Q. Have you ever -- strike that.

9 Have you ever shot at a motor vehicle
10 striking a vehicle at any time?

11 A. No, ma'am.

12 Q. Have you ever had to discharge your
13 firearm at any previous incident before February
14 1st, 2020?

15 MR. WHITFIELD:

16 Object to the -- okay. So that is
17 probably behind the qualified immunity issues,
18 Bhavani, and I would instruct the witness not to
19 answer.

20 MS. RAVEENDRAN:

21 All right. I would just ask, Bill -- I
22 understand your position, but if the answer is
23 that he's never fired his weapon, you know, before
24 this incident striking a person, then that would
25 kind of close that issue for the whole case.

Exhibit "5"



CERTIFICATE OF COURT REPORTER

I, F. DUSTY BURDINE, Court Reporter and Notary Public, in and for the County of Harrison, State of Mississippi, hereby certify that the foregoing pages, and including this page, contain a true and correct transcript of the testimony of the witness, as taken by me at the time and place heretofore stated, and later reduced to typewritten form by computer-aided transcription under my supervision, to the best of my skill and ability.

I further certify that I placed the witness under oath to truthfully answer all questions in this matter under the authority vested in me by the State of Mississippi.

I further certify that I am not in the employ of, or related to, any counsel or party in this matter, and have no interest, monetary or otherwise, in the final outcome of the proceedings.

witness my signature and seal, this the _____ day of _____, 2023.

F. Dusty Burdine, CSR #1171
My Commission Expires 4/22/25

Exhibit "5"

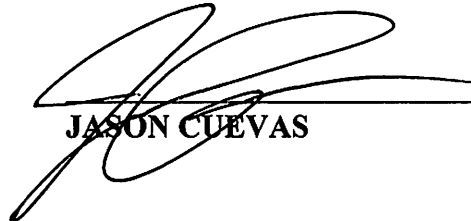


WITNESS SIGNATURE SHEET

I, JASON CUEVAS, do solemnly swear that I have read the foregoing pages (numbering 1 through 162) and that the same is a true and correct transcript of the testimony given by me at the time and place hereinbefore set forth, with the following corrections:

<u>PAGE:</u>	<u>LINE:</u>	<u>SHOULD READ:</u>	<u>REASON FOR:</u>
33	9	said there was a – they said 29 male – a signal	4
65	12	It appeared to me that it was in the driveway of 210 25 th	3
65	25	When it was backing out of what appeared to me as the driveway	3
66	9	backing out south from what appeared to be the driveway which runs	3
70	1	When it was backing out of what appeared to be the driveway	3
81	21-22	I said, stop the vehicle, stop the vehicle, police, stop the vehicle. Before I gave the commands, I	2
82	2	As I stated, once the vehicle continued, I said, stop	1
82	4	vehicle. Right after I gave those commands of	2
105	13	figured ceding the road to the vehicle would be	4
123	13	I couldn't tell if they were open or	4

<u>PAGE:</u>	<u>LINE:</u>	<u>SHOULD READ:</u>	<u>REASON FOR:</u>
135	21	sergeant. That's when Officer Krauss, he	4
136	2	went with Officer Krauss as he directed me away	4



JASON CUEVAS

NOTARIZATION

I, Erin Geist, notary public for the State of Mississippi, Harrison County,
do hereby certify that JASON CUEVAS, personally appeared before me this the 25th day of
July, 2023.

My commission expires:

★ STATE OF MISSISSIPPI ★
ERIN GEIST, NOTARY PUBLIC

HARRISON COUNTY
MY COMMISSION EXPIRES APRIL 18, 2027
COMMISSION NUMBER 347860



NOTARY PUBLIC

LEGEND FOR REASONS GIVEN FOR DEPOSITION CHANGES

1. Additional clarification of answer was necessary upon reading the deposition.
2. Additional clarification and explanation was necessary as a result of reading and reviewing the deposition and determining upon reading the deposition that the answer was not entirely complete when given.
3. Clarification of answer was necessary as a result of reading and reviewing the deposition and subsequently confirming that the fact as testified was in error when given at the deposition.
4. Typographical error, proper name error, or grammatical error.
5. Discovery of additional information since deposition requires modification.
6. Other: _____

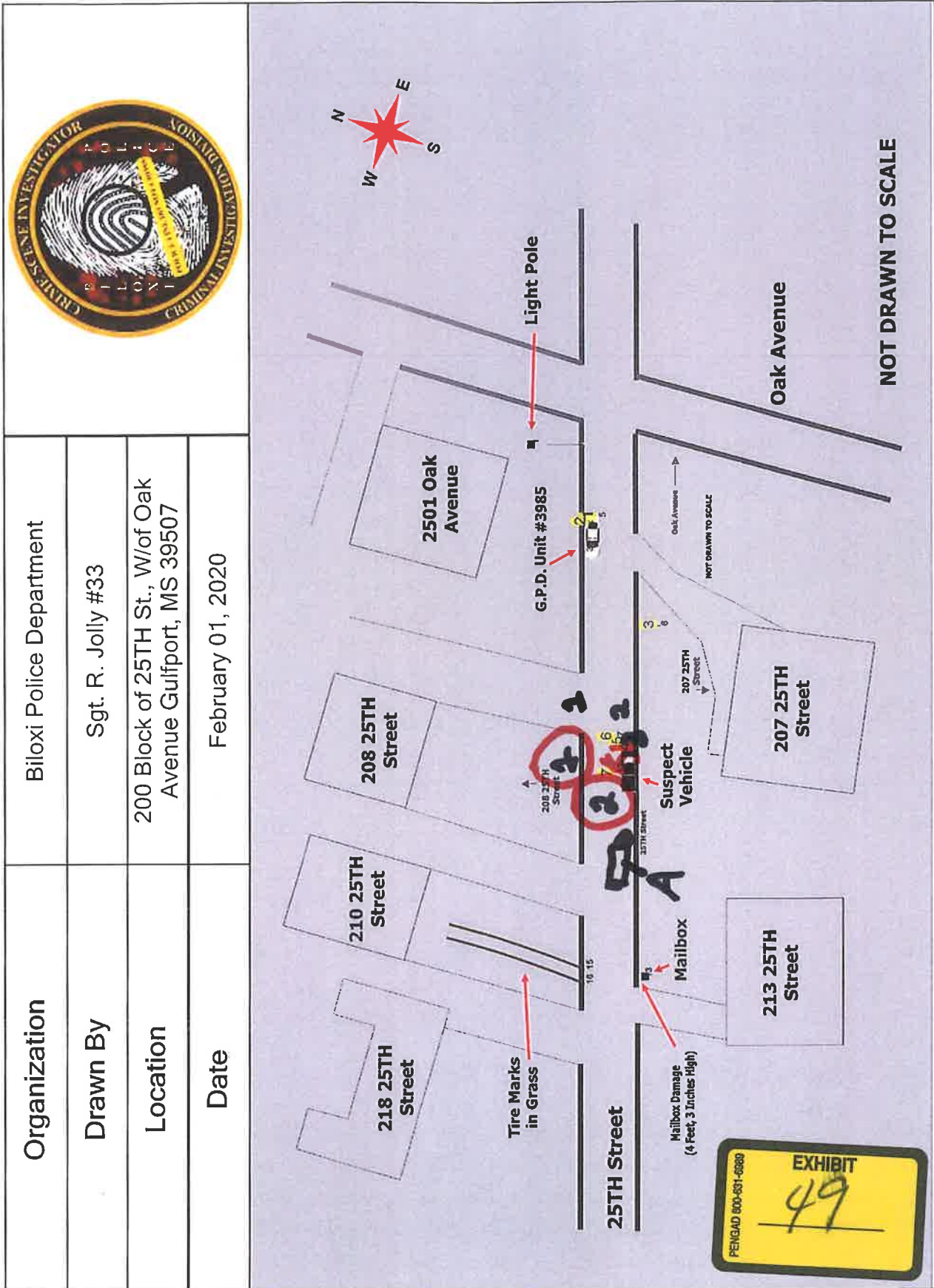


Exhibit "5"